

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

CRIMINAL MINUTES - MOTION HEARING

Case No.: 2:20CR00017-001

Date: 8/31/2023

Defendant: Samuel Silva, custody

Counsel: Randy Cargill, FPD

PRESENT: JUDGE: Michael F. Urbanski, CUSDJ
TIME IN COURT: 3:04-3:44 40m
Deputy Clerk: Kristin Ayersman
Court Reporter: Judy Webb
U. S. Attorney: Jason Scheff

PROCEEDINGS:

NOTICE OF HEARING ON MOTION 256 MOTION for Hearing pursuant to Faretta v. California, 255 MOTION for Hearing ex parte on status of counsel, 254 MOTION to Disqualify Counsel, 253 MOTION for Discovery in case as to Samuel Silva (CUSTODY) (CR) NOTICE TO COUNSEL This hearing has been set for one hour. If you think the hearing will take longer than one hour please contact the Courtroom Deputy as soon as possible. Motion Hearing set for 8/31/2023 03:00 PM in Roanoke before Chief Judge Michael F. Urbanski. (mka)

Court addresses parties and reason for hearing. FPD states that he will be lead counsel now, Mr. Schiffelbein will w/d from the case. Court addresses Mr. Silva re counsel – states that he is satisfied with Mr. Cargill. The court will relieve Mr. Schiffelbein from any further representation in this case. Mr. Silva states he does not wish to proceed pro se, and will have Mr. Cargill represent him. Court will consider motion ECF 254 denied as moot re pro se representation and grants as to dismissal of Mr. Schiffelbein. Mr. Cargill states he will be able to go forward as scheduled re JT. USA states that the gang related evidence may not be used – Court raises issues with jury questionnaire re gangs and number of summonsed jurors. USA responds – questionnaire not necessary. FPD concurs with USA. Parties still ask for trial to be held in Roanoke with a Roanoke jury. Court directs the parties to let the court know if a decision has been made on the gang related evidence next week. USA addresses schedule, and asks that the court address Mr. Silva re new counsel/time left to prepare for trial – Mr. Silva is satisfied that his representation can be ready. USA propose to present Jencks, witness list and exhibit list on Tuesday in conjunction with response re gang evidence. USA addresses additional items on current scheduling order – parties have discussed. Court notes PTC set for 9/21, and asks parties to come up with a new consent PTO with new ddl's that they have discussed and send it to the court as soon as possible. Court will email parties draft jury questionnaire – parties will let the court know by next Wed re position on use of jury questionnaire. The court will start trial on 10/19, as scheduled. USA requests Laffler/Frye hearing at PTC on 9/21 and the court to address timing of the change of counsel again at PTC. Court addresses the motion re Feeney – USA states that if case streamlined re gang activity, that motion may be mooted. ECF 255 denied as moot, ECF 256 denied as moot, ECF 253 denied without prejudice as stated. Court will issue written order recapping hearing today.